

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CITI GAS CONVENIENCE, INC., <i>Plaintiff,</i>	:	
	:	CIVIL ACTION
	:	
v.	:	
	:	
UTICA MUTUAL INS. CO., <i>Defendant.</i>	:	No. 15-6691
	:	

ORDER

AND NOW, this 9th day of February, 2016, upon consideration of Defendant's Motion to Dismiss (Docket No. 3) and Plaintiff's Opposition thereto (Docket No. 5), it is **hereby ORDERED** that:

1. Defendant's Motion (Docket No. 3) is **GRANTED**.
2. Counts I and II of Plaintiff's Complaint are **DISMISSED with prejudice**.
3. Count III of Plaintiff's Complaint is **DISMISSED with prejudice** to the extent Plaintiff attempts state a claim for bad faith based on the denial of its insurance claim. Count III of Plaintiff's Complaint is **DISMISSED without prejudice** to the extent that Plaintiff attempts to state a claim for bad faith based on the investigation of its insurance claim.
4. Plaintiff may file an amended complaint as to the portion of its case dismissed without prejudice no later than 14 days from the date of this Order. Should Plaintiff fail to file an amended complaint within the state time period, the Court will close this case for all purposes upon further motion by or on behalf of Defendant or *sua sponte*.

BY THE COURT:

S/Gene E.K. Pratter
GENE E.K. PRATTER
United States District Judge